



**CITY OF MORGAN HILL
COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION**

17575 Peak Avenue Morgan Hill CA 95037 (408) 778-6480 Fax (408) 779-7236
Website Address: www.morgan-hill.ca.gov / Email: General@ch.morgan-hill.ca.gov

PLANNING COMMISSIONERS

Joseph H. Mueller, Chair
John Moniz, Vice Chair
Wayne Tanda, Commissioner

Susan Koepp-Baker, Commissioner
Robert Benich, Commissioner

PLANNING COMMISSION MEETING

MAY 10, 2011

**CITY COUNCIL CHAMBERS
CIVIC CENTER
17555 PEAK AVENUE
MORGAN HILL, CA**

REGULAR MEETING - 7:00 P.M.

***** A G E N D A *****

NOTICE TO THE PUBLIC

The following policies shall govern the conduct of the Planning Commission meetings:

- *All Planning Commission proceedings are tape-recorded.*
- *Individuals wishing to address the Planning Commission on a particular item should fill out a speaker card and present it to the Secretary. This will assist the Chairperson in hearing your comments at the appropriate time.*
- *When the Chairperson invites you to address the Commission, please state your name and address at the beginning of your remarks.*
- *Speakers will be recognized to offer presentations in the following order:*
 - *Those supporting the application*
 - *Those opposing the application*
 - *Those with general concerns or comments*
 - *Presentations are limited to 5 minutes*

**DECLARATION OF POSTING OF AGENDA IN ACCORDANCE WITH
GOVERNMENT CODE SECTION 54954.2 - SECRETARY REPORT**

PLANNING COMMISSION AGENDA

MAY 10, 2011

PAGE 2

OPEN PUBLIC COMMENT PERIOD (5 MINUTES)

Now is the time for presentation from the public on items **NOT** appearing on the agenda that are within the Planning Commission's jurisdiction. Should your comments require Commission action, your request will be placed on the next appropriate agenda. No Commission discussion or action may be taken until your item appears on a future agenda. You may contact the Planning Division for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your comments to five (5) minutes.

ORDERS OF THE DAY

MINUTES: April 26, 2011 minutes will be included in the May 24, 2011 Agenda packet

PUBLIC HEARINGS:

- 1) **60 Minutes** **ZONING AMENDMENT, ZA-11-07: MEDICAL MARIJUANA ORDINANCE:** A proposed addition of Chapter 9.16 to Title 9 (Public Peace, Morals and Welfare) and Section 18.02.075 to Title 18 (Zoning) of the Morgan Hill Municipal Code prohibiting Medical Marijuana Dispensaries in Morgan Hill.

Recommendation: Adopt Resolution recommending Council approval of a Medical Marijuana Ordinance banning Medical Marijuana Dispensaries in Morgan Hill.

- 2) **15 Minutes** **ZONING AMENDMENT, ZA-11-08: REVISIONS TO THE HOME OCCUPATION ORDINANCE:** A proposed amendment to Section 18.48.055 (Home Occupations) of Chapter 18.48. (Performance Standards) of the Morgan Hill Municipal Code to comply with state regulations regarding massage practitioners and establishments and further changes to the home occupation ordinance to ensure that home occupations do not change the character of residential neighborhoods.

Recommendation: Adopt Resolution recommending Council approval of revisions to the Home Occupation Ordinance.

OTHER BUSINESS:

- 3) **10 Minutes** **MULTI-FAMILY VACANCY RATE REPORT:** Biannual review of apartment vacancy rate as required in accordance to the Morgan Hill Municipal code, Chapter 17.36.

Recommendation: Approve Multi-Family Vacancy Report by minute action, with recommendation to forward to City Council for approval.

TENTATIVE AGENDA FOR THE MAY 24, 2011 MEETING:

- VAR-11-01: Holiday Ct. – Herrick
- Policy Amendment Tentative Map Policy-San Sebastian
- BMR Reduction Program Ext/Alt

PLANNING COMMISSION AGENDA

MAY 10, 2011

PAGE 3

ANNOUNCEMENTS

CITY COUNCIL REPORTS

ADJOURNMENT

SPEAKER CARD

If you wish to address the Commission on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council Chambers, and deliver it to the Deputy City Clerk prior to discussion of the item. You are not required to give your name on the speaker card in order to speak to the Commission, but it is very helpful. As you are called, please walk to the podium to be recognized by the Chairperson. Please speak directly into the microphone while making your comments. Please limit your remarks to three (3) minutes.

NOTICE

AMERICANS WITH DISABILITY ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the Planning Commission agenda, please contact the Office of the City Clerk at City Hall, 17555 Peak Avenue or call 779-7259 or Hearing Impaired only - TDD 776-7381 to request accommodation.

NOTICE

NOTICE IS GIVEN pursuant to Government Code Section 65009, that any challenge of any of the above agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action taken by the Planning Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

NOTICE

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act that are distributed to a majority of the Planning Commission less than 72 hours prior to an open session, will be made available for public inspection at the Office of the City Clerk at Morgan Hill City Hall located at 17555 Peak Avenue, Morgan Hill, CA, 95037 at the same time that the public records are distributed or made available to the Planning Commission. (Pursuant to Government Code 54957.5)